

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

Plaintiff,

-against-

ALIREZA MOAZAMI GOUDARZI,

Defendant.
-----x

CASTEL, U.S.D.J.

USDC SDNY
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12-CR-830 (PKC)

MEMORANDUM
AND ORDER

On January 19, 2016, the government filed a request for an order of nolle prosequi dismissing the indictment against Alireza Moazami Goudarzi a/k/a “Mikel Scofield,” a/k/a “Saaed Ebrahimi,” a/k/a “Sebastian Wilson,” a/k/a “Richard Bocher,” a/k/a “Mike Brown.” (Dkt. No. 1.) The six count indictment charges that Goudarzi (1) conspired to export aircraft parts, including parts for an attack helicopter, from the United States to customers in Iran in violation of the International Emergency Economic Powers Act (“IEEPA”), (2) conspired to export munitions without a license from the United States to customers in Iran in violation of the Arms Export Control Act (“AECA”), (3) attempted to export parts designed for military aircraft engines without a license from the United States to Iran in violation of the AECA, (4) conspired to commit money laundering, and (5) committed money laundering. (Dkt. No. 6.)

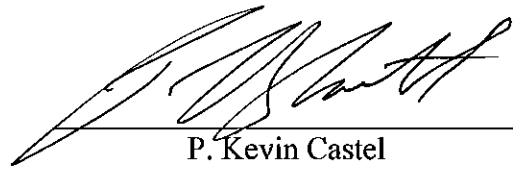
In conclusory fashion, the government asserts that dismissal is warranted “[b]ased on significant foreign policy interests.” (Id.)

A court’s role in passing upon a request for an order of nolle prosequi is limited. It ought not approve a request, however, that is “prompted by considerations clearly contrary to

the public interest.” Rinaldi v. United States, 434 U.S. 22, 30 n.15 (1977) (citing United States v. Cowan, 524 F.2d 504 (5th Cir. 1975); United States v. Ammidown, 497 F.2d 615, 620 (D.C. Cir. 1973)).

Let the government show cause in writing by February 1, 2016 why the application for an order of nolle prosequi ought not to be denied based upon the conclusory assertion in the government’s application.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
January 25, 2016